

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Toyoshima	)	Art Unit: 2816	#4
Serial No.: 09/976,455	)	Examiner: Unk.	
Filing Date: October 11, 2001	)	Case No.: 50R4784	
For: HOME NETWORK USING WIRELESS MODULE	)	July 29, 2004	
	)	750 B Street, Suite 3120	
	)	San Diego, CA 92101	

**TRANSMITTAL LETTER - PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b); RESPONSE TO NOTICE  
TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Commissioner of Patents and Trademarks  
Alexandria, VA 22313

**RECEIVED**  
**OFFICIAL** CENTRAL FAX CENTER  
JUL 29 2004


Dear Sir:

In response to the Notice of Abandonment dated November 13, 2003, applicant requests that this application be revived. In support of this action, enclosed herewith are the following:

- (1) Petition for Revival of an application for Patent Abandoned Unintentionally (PTO/SB/64) in 2 pages;
- (2) Reply Petition to Revive in 2 pages;
- (3) Notice of Abandonment in 1 page;
- (4) Notice to File Missing Parts of Nonprovisional Application in 1 page;
- (5) Declaration and Power of Attorney in 3 pages;
- (6) Credit Card Payment Form PTO-2038 to cover filing fees.

**RECEIVED**  
AUG 10 2004  
OFFICE OF PETITIONS

Respectfully submitted,

  
John L. Rogitz, Attorney of Record  
Registration No. 33,549  
750 "B" Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

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We are transmitting a total of 10 page(s) including this cover sheet on July 29, 2004

**IF YOU DO NOT RECEIVE ALL TRANSMITTED PAGES, PLEASE CALL US AT:  
619/338-8075**

**ORIGINAL DOCUMENTS WILL BE SENT VIA:**

☐ U.S. MAIL    ☐ FEDERAL EXPRESS    ☐ MESSENGER    ☐ WILL NOT BE SENT

# OFFICIAL

PTC/SB/84 (11-03)

Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Docket Number (Optional)**  
50P4257.02

**Title: HOME NETWORK USING WIRELESS MODULE**

**Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916**

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE: A grantable petition requires the following items:**

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

**A. The reply and/or fee to the above-noted Office action in**

the form of Notice to File Missing Parts, Petition to Revoke (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$\_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

***If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.***

Adjusted date: 08/02/2004 GWDRDDEFCTH  
01 FC:1453  
08/31/2004 AXELLEY 00063974455  
01 FC:1453

PTO/SB/64 (08-03)

Approved for use 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

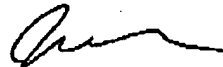
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

JULY 28, 2004

Date



Signature

Telephone

Number: (619) 338-8075

John L. Rogitz

Typed or printed name

750 B Street, Suite 3120

Address

San Diego, CA 92101

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 29, 2004

Date



Signature

Jennifer Gryglel

Type or printed name of person signing certificate

[Page 2 of 2]

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JUL 29 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****OFFICIAL**

First Named Applicant: Toyoshima

Serial No.: 09/976,455

Filed: October 11, 2001

Art Unit: unk.

Examiner: unk.

**50P4257.02**

July 29, 2004

750 B STREET, Suite 3120  
San Diego, CA 92101**PETITION TO REVIVE**Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

In response to the Notice of Abandonment dated November 13, 2003, Applicant requests that this application be revived. The entire delay in responding to the outstanding Notice to File Missing Parts until the Notice of Abandonment was received was unintentional, and derived from the fact that during this period the assignee, Sony Corp., moved the center of its Intellectual Property Department from New Jersey to California, resulting in an unintentional loss of a calendared event to respond to the Notice to File Missing Parts. The entire delay in responding after the Notice of Abandonment was due to the fact that inventor Toyoshima had relocated to Japan, delaying assignee's response until the signatures for responding to the Notice to File Missing Parts could be complied with.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

1168-104.PET

FROM

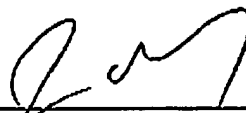
(THU) JUL 29 2004 12:09/ST.12:07/No. 6833031073 P 6

CASE NO.: 50P4257.02  
Serial No.: 09/976,455  
July 29, 2004  
Page 2

PATENT  
Filed: October 11, 2001

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg

1168-104.PGT



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/976,455	10/11/2001	Akihiko Toyushima	50P4257.02

CONFIRMATION NO. 9916

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011251048\*

Sony Electronics, Inc.  
123 Tice Blvd. - MD T1-1  
Woodcliff Lake, NJ 07677

Date Mailed: 11/13/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/14/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

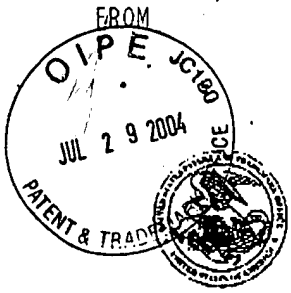
*Request Withdrawal*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/976,455 00000000 0976455

09/976,455 172.00 DP  
09/976,455 130.00 DP

Adjustment Date: 08/31/2004 AKELLEY  
08/02/2004 SHORDOF1 00000008 0976455  
01 FC:126 -172.00 DP  
02 FC:105 -130.00 DP  
08/31/2004 AKELLEY 00000018 0976455  
02 FC:120 172.00 DP  
03 FC:105 130.00 DP



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/976,455	10/11/2001	Akihiko Toyoshima	50P4257.02

CONFIRMATION NO. 9916

## FORMALITIES LETTER



\*OC000000007062464\*

Sony Electronics, Inc.  
123 Tice Blvd. - MD T1-1  
Woodcliff Lake, NJ 07677

Date Mailed: 11/14/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

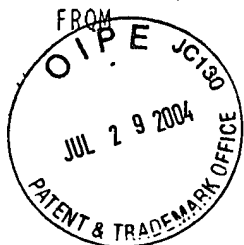
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$168.
  - \$168 for 2 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1038.

*A copy of this notice **MUST** be returned with the reply.*

H.T.  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**ATTORNEY DOCKET NO. 50P4257.02**

**Page 2**

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional application(s) listed below.

U.S. Provisional Application Number  
60/240,011

Filing Date  
October 13, 2000

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the Filing date of the prior application and the national or PCT international Filing date of this application.

Application  
Serial No.

Date of Filing

Status  
patented, pending abandoned

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

John L. Rogitz

Reg. No. 33,549

Send Correspondence and direct telephone calls to:

ROGITZ & ASSOCIATES  
750 B Street, Suite 3120  
San Diego, California 92101  
Telephone: (619) 338-8075  
Fax: (619) 338-8078

I also hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Peter C. Toto	Reg. No. 36,293
Jaime A. Siegel	Reg. No. 39,027
Harold T. Fujii	Reg. No. 38,458
Frederick J. Zustak	Reg. No. 36,728
Mark Gorman	Reg. No. 43,641
Ronald C. Card	Reg. No. 44,587
Christopher B. Allenby	Reg. No. 45,806
Milton M. Frazier	Reg. No. 44,687

Whose address is as follows:

Sony Electronics Inc.  
16450 West Bernardo Drive, MZ 7190  
San Diego, CA 92127-1898  
Telephone: (858) 942-2897  
Fax: (858) 942-7120





ATTORNEY DOCKET NO. 50P4257.02

Page 1

**DECLARATION AND POWER OF ATTORNEY FOR  
NEW PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HOME NETWORK USING WIRELESS MODULE**

the specification of which:

☐ is attached hereto.

☒ was filed on October 11, 2001 as serial no. 09/976,455  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a Filing date before that the application on which priority is claimed.

Foreign Application(s), if any, for Patent or Inventor's Certificated Filed Within 12 Months Prior to the Filing Date of This Application:

<u>Country</u>	<u>Application No.</u>	<u>Date of Filing</u> (day, month, year)	<u>Priority Claimed</u> <u>Under 35 U.S.C. §119</u>
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☐ YES ☐ NO

All Foreign Applications, if any, for Patent or Inventor's Certificate Filed More Than 12 Month's Prior to the Filing Date of This Application:

<u>Country</u>	<u>Application No.</u>	<u>Date of Filing</u>
----------------	------------------------	-----------------------

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor (s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application(s)</u> <u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
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\_\_\_ Yes \_\_\_ No

## ATTORNEY DOCKET NO. 50P4257.02

Page 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U. S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Akihiko Toyoshima  
Inventor's signature

Date 7/28/2004

AKIHIKO TOYOSHIMA  
Name of sole or first inventor

2-20-12 Katase, Fujisawa, Kanagawa, Japan 251-0032  
Residence (City, State)

Same  
Post Office Address

Japan  
Citizenship